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10/668,043

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08/18/2009

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EXAMINER

BROOKS, MATTHEW L

ART UNIT

PAPER NUMBER

3629

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/668,043 | <b>Applicant(s)</b><br>DENHAM ET AL. |  |
|                              | <b>Examiner</b><br>MATTHEW L. BROOKS | <b>Art Unit</b><br>3629              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-13,15-21,23,24,26,27,29-33,35-42 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9-13, 15-21, 23, 24, 26, 27, 29-33, 35-42 and 44-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 18, 19, 38 and 39 objected to because of the following informalities:  
Applicant states “computer-executable instructions for performing the method recited in Claim X”. This is improper claim and attempt to merge to separate statutory classes.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1, 2, 4-7, 9-13, 15-21, 23, 24, 26, 27, 29-33, 35-42 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0163380 (Vaccarelli) in view of Official Notice.

6. The scope of the prior art in the field of web based/telephone based help desk is large. There for sometime now have been customer service methods that use automated technologies to assist a user. When the automated system is no longer able to assist a customer is typically routed to a live agent, who has then been able to talk to customer, IM a customer or follow through with a customer by sending email/s. Further if no agent is available there are many methods of placing a caller in a queue and then determining a priority based upon parameters. Further the prior art is filled with methods of tracking said agents performance. All of the above was known to one of ordinary skill in the art of customer service.

7. With respect to claims 1 and 20 and 40; in the present case the overall illustrative embodiment of the presently claimed invention is found by looking at Fig 3 of the present application submitted 9/22/2003 (see pg 10, lines 5-25). In this figure is an email that is sent to a customer that has in it a letter to the customer and embedded in the email two links that allow a user to either indicate s/he is satisfied OR that s/he is not and needs to escalate an issue. When Fig 3, of present application is lined up directly next to Fig 3, of US 2003/0163380 (Vaccarelli) it is clear that Vaccarelli teaches an email that is sent to a customer that has in it a letter to the customer and embedded in the email two links that allow a user to either indicate s/he is satisfied OR that s/he is

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not and needs to escalate an issue. It may be argued that it is not exact but it would be difficult to argue that it is not an obvious variant. In addition all of the claims that flow from the dependent claims, would flow from the teachings of Vacarelli or what was known to one of ordinary skill as discussed above.

Therefore Vacarelli teaches all of the invention as claimed, and a look to fig three of application and prior art teaches nearly identical inventions. Vacarelli fails to teach new amended claim language “wherein the embedded unresolved customer service feedback link is associated with an expiration date when the unresolved customer service feedback link will expire”.

The examiner takes Official Notice that "links being associated with an expiration date" is old and well established in the business of e-commerce as a convenient way for a site owner to set a time parameter for receiving input, or the site owner is no longer hosting content specified by said link. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of having the link expire or associating with an expiration date in Vacarelli by appropriately programming the server on which they are located because the skilled artisan would have recognized that this business practice streamlines the process and saves time spent by a site owner on hosting links no longer relevant or taking survey responses no longer needed or for products no longer offered and is clearly applicable to the survey of any type of product. These advantages are well known to those skilled in the art.

8. With respect to **claims 2 and 21**: Vaccarelli teaches, wherein obtaining a customer service inquiry includes:

generating a customer service Web page including one or more fields for completing a customer service inquiry (Fig 3);

obtaining user input to the one or more fields of the customer service Web page (Fig 11); and

generating the customer service inquiry from the user input ([0006]).

9. With respect to **claims 4 and 24** : Vaccarelli teaches, wherein the escalated customer service query includes a Web page including one or more fields for obtaining additional client information (Fig 8, password).

10. With respect to **claims 5 and 6 and 27** : Vaccarelli teaches further comprising generating an estimate of the completion of a responsive communication and transmitting the estimate of the completion to the client (Fig 11, shows tracking of time).

11. With respect to **claims 7 and 29** : Vaccarelli teaches, wherein at least of subset of clients are associated with a processing priority, the processing priority guaranteeing a responsive communication within a threshold time, and wherein generating an estimate of the completion of a responsive communication includes: determining whether the client is associated with a processing priority; and if the client is associated with a processing priority, providing the threshold time as the estimate of the completion of a responsive communication (Fig 10, severity, critical).

12. With respect to **claims 9 and 31** : Vaccarelli teaches, associating the user selection of the embedded unresolved customer service feedback link to a customer service agent providing the textual components of the responsive communication; and

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updating customer service agent tracking information to indicate an unresolved customer service inquiry (Fig 10, problem resolved, NO).

13. With respect to **claims 10 and 32** : Vaccarelli teaches further comprising generating a customer service agent metric based on the customer service agent tracking information (Fig 11, state of 26 is assigned).

14. With respect to **claim 11** : Vaccarelli teaches, wherein the responsive communication includes an embedded resolved customer service feedback link, the method further comprising: obtaining a user selection of the embedded resolved customer service feedback link; and generating a redirect to a service provider Web page (Fig 3).

15. With respect to **claims 12 and 26 and 44** : Vaccarelli teaches, wherein the service provider Web page includes a customized client thank you (Fig 6, thank you).

16. With respect to **claims 13 and 33 and 46** : Vaccarelli teaches, wherein the embedded unresolved customer service feedback link is a customized link (Fig 3, “to our valued customer”).

17. With respect to **claims 15 and 35** : Vaccarelli teaches further comprising storing feedback information corresponding to the selection of the unresolved customer service feedback link (Fig 1, 34 “storage”).

18. With respect to **claims 16 and 36** : Vaccarelli teaches further comprising aggregating information corresponding to the selection of the unresolved customer service feedback link (Fig 1, 20 analysis module).

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19. With respect to **claims 17 and 37** : Vaccarelli teaches further comprising generating a consumer profile corresponding to the aggregated information corresponding to the selection of the unresolved customer service feedback link (Fig 1, 20 analysis module).

20. With respect to **claims 18 and 38** : Vaccarelli teaches a computer-readable medium having computer-executable instructions for performing the method recited in Claim 1 (See analysis for claim 1 above).

21. With respect to **claims 19 and 39** : Vaccarelli teaches a computer system having a processor, a memory and an operating environment, the computer system for performing the method recited in Claim 1 ((See analysis for claim 1 above) and Fig 2).

22. With respect to **claims 23 and 42** : Vaccarelli teaches, wherein the user selection is the first embedded link corresponding to feedback of an unresolved customer service inquiry and wherein generating a responsive action corresponding to the processing includes generating an escalated customer service query in response to the selection of the embedded unresolved customer service feedback link (Fig 3).

### ***Response to Arguments***

23. Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References on attached 892, labeled A-K are included to show state of prior art AND support official notice of expired link.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew L. Brooks/  
Patent Examiner, GAU 3629  
8/17/2009

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